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**OFFICE OF PETITIONS**

In re Application of :  
Kent J. Sieffert et al. :  
Application No. 09/346,063 :  
Filed: July 1, 1999 :  
Attorney Docket No. 1551.011US1 :

**ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed May 21, 2008. A two month extension of time under the provisions of 37 CFR 1.136(a) was obtained. The appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 41.37(b). As no claim was allowed, the application became abandoned on July 22, 2008. See MPEP 1215.04. A Notice of Abandonment was mailed on November 28, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination), with the required fee of \$810, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3692 for processing of the RCE and any action that is required by the Examiner in the normal course of business.



Carl Friedman  
Petitions Examiner  
Office of Petitions